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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,432	12/15/2003	Alpaslan Demir	I-2-0537.1US	3424
24374	7590	10/18/2007		
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER NGUYEN, DUC M	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,432

Applicant(s)

DEMIR ET AL.

Examiner

Duc M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14, 16-23 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-23 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This action is in response to applicant's response filed on 8/22/07. Claims 1-5, 7-14, 16-23, 25-31 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-5, 10-14, 28** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kurihara** (US Pat. Number **6,721,370**).

Regarding claims **1, 10, Kurihara** discloses a communication system (see Fig. 3), comprising:

- an automatic gain control (AGC) circuit which receives and adjusts the gain of a communication signal, the AGC being controlled by a gain control signal (see Fig. 3, refs. 15, 11); and

- an insertion phase variation compensation module (see ref. 14 in Fig. 3, phase correction unit) which continuously counteracts the effects of phase offsets introduced into the communication signal by the AGC circuit, based on the gain control signal (see c col. 3, lines 23-30 and ol. 3, line 47 – col. 4, line 25).

- a look up table (see Fig. 1A regarding table 2a) in communication with the

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modem (baseband processor 31 in Fig. 3) and the insertion phase variation compensation module (ref. 14 in Fig. 3), wherein the LUT receives the gain control signal from the modem and provides estimates of the phase offsets to the insertion phase variation compensation module as a function of the gain control signal (see col. 3, lines 6-30 and col. 3, line 47 - col. 4, line 25).

Regarding claim **28**, the claim is rejected for the same reason as set forth in claim 1 above, wherein it is clear that **Kurihara** would disclose steps (a) through (e) as claimed (see col. 3, line 47 – col. 4, line 25).

Regarding claims **2-5, 11-14**, **Kurihara** would teach an analog-to-digital converter ADC, phase variation module and a processor as claimed (see Fig. 3 regarding refs. 13, 14, 31, 15), noting that the combination of the baseband processor 31 and gain controller 15 would function in the similar way as of the claimed “modem”.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **19-23** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Kurihara**.

Regarding claims **19-23**, the claims are rejected for the same reason as set forth

in claims 2-5 above. In addition, since the use of an IC circuit for a CDMA communication device as disclosed by **Kurihara** is well known in the art, it would have been obvious to one skilled in the art to modify Kurihara to provide the IC circuit as claimed, for utilizing advantages of IC circuits such as cost, light weight.

5. Claims **7-9, 16-18, 25-27, 29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Kurihara** in view of **Hiramatsu et al** (US Patent Number **5,933,112**).

Regarding claims **7-9, Kurihara** would teach all the claimed limitations, see claims 1, 19 above, except for provided estimates include a Sin function and a Cos function of a phase offset, x . However, in an analogous art, **Hiramatsu** teaches a phase offset correction wherein estimation of compensation errors include a Sin function and a Cos function of a phase offset (see Figs. 2, 13 and col. 8, line 46 – col. 9, line 50 noting for exponential function $e^{j\theta} = \cos \theta + j \sin \theta$). Therefore, it would have been obvious to one skilled in the art of phase offset correction modules to modify Kurihara to include a Sin function and a Cos function of a phase offset to account for AFC processing errors, for further improving the performance of the receiver.

Regarding claims **16-18, 25-27, 29-31**, the claims are rejected for the same reason as set forth in claims 7-9 above.

6. Claims **7-9, 16-18, 25-27, 29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Kurihara** in view of **Nara et al** (US Patent Number **6,340,833**).

Regarding claims **7-9, Kurihara** would teach all the claimed limitations, see claims 1, 19 above, except for provided estimates include a Sin function and a Cos

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function of a phase offset, x . However, it is noted that the estimation of compensation errors that include a Sin function and a Cos function of a phase offset is well known in the art as disclosed by **Nara** (see col. 6, lines 16-28). Therefore, it would have been obvious to one skilled in the art of phase offset correction modules to modify Kurihara to include a Sin function and a Cos function of a phase offset as claimed, in order to provide the estimation more accurately.

Regarding claims **16-18, 25-27, 29-31**, the claims are rejected for the same reason as set forth in claims 7-9 above.

Response to Arguments

7. Applicant's arguments filed 8/22/07 have been fully considered but they are not persuasive.

In the response filed 8/22/07, Applicant contends that

"...Kurihara discloses that the baseband processor 31 outputs a gain signal 55 to a phase correction unit 24 that, as shown in Figure 1, may include a table 2a used for phase correction. However, the Applicants respectfully submit that the Examiner has failed to address and consider all of the claim limitations because Kurihara's gain signal 55 is not used to control an AGC circuit that introduces phase offsets into a communication signal that are compensated for by an insertion phase variation compensation module. Instead, Kurihara discloses a phase correction unit 24 that corrects the phase of a transmission signal 53 that originates from a microphone 33 prior to being amplified by an amplifier 21 (see col. 4, lines 38-48).

Thus, the transmission signal 53 does not include phase offsets introduced by an AGC circuit"

In response, the examiner asserts that "Kurihara's gain signal **44** is DOES used to control an AGC circuit that introduces phase offsets into a communication signal that are compensated for by an insertion phase variation compensation module (see **col. 3, lines 5-30**). Also note for gain controller 15 in the receive path in Fig. 3, not gain signal 55.

The examiner further notes that "a phase correction unit 24 that corrects the phase of a transmission signal 53 that originates from a microphone 33 prior to being amplified by an amplifier 21 (see col. 4, lines 38-48)" as alleged by Applicant is for the **transmitter** path, not for the **receiver** path as used in the rejection (note for phase correction **14** in the rejection, not phase correction 24 as alleged by Applicant).

For foregoing reasons, the examiner believes that the pending claims are not allowable over the cited prior art.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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See the attached PTO-892.

10. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

Hand-delivered responses should be brought to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-
4177.

Duc M. Nguyen, P.E.

Oct 8, 2007

